

I would also like to recognize and congratulate the Gators' head coach, Urban Meyer. Coach Meyer became Florida's head football coach in 2005. This past year, he led the Gators to a 13 and 1 season, bringing them their second national championship in three years. Mr. Meyer is the first coach in school history to win two BCS championship games.

The University of Florida has proven itself both on the football field and in the classroom. It is on the cutting edge for research and technology. The university is currently home to 17 colleges and more than 150 research centers, educating and training future generations of Americans.

As one of our Nation's largest research institutions, the University of Florida is also making great contributions to our economy. It is estimated that it contributes \$6 billion annually to Florida's economy and is responsible for producing an astounding 75,000 jobs.

Madam Speaker, I am certainly proud to call the University of Florida my alma mater. I congratulate them on yet another national championship victory, and I look forward to watching their continued success athletically, academically, and economically.

I urge all of my colleagues to support H. Res. 58.

Ms. WASSERMAN SCHULTZ. Madam Speaker, as a proud University of Florida alumna who bleeds orange and blue, I am delighted to be an original cosponsor of H. Res. 58, Commending the University of Florida Gators for winning the 2008 Bowl Championship Series National Championship Game.

The University of Florida Gators football team squarely defeated the Oklahoma Sooners 24–14. This tremendous victory is nothing but extraordinary on all counts. The Gators' win over Oklahoma was the third football national title for the University of Florida and the second in the past three seasons.

This victory makes the University of Florida the fourth school in the modern era to win two outright national collegiate athletics title in three years. Additionally, Gators' quarterback Tim Tebow was named the game's Most Valuable Player, with 340 yards of total offense, the third-best pass-rush total in a BCS Championship game.

While this victory is among the many reasons to be proud of the University of Florida, I am most proud of that the excellence of its academic, athletic, and research programs is beyond compare. It is both a premier public research university and a top contender in the athletic arena.

With so much to be proud of, it is no wonder that the Gator nation includes millions of people from all over the world—students, alumni, faculty, staff, administrators, sports fans, and anyone who shares the values and spirit of the University of Florida. It goes without saying that the Gator nation has continued to make its mark and make her alumni and the Gator family proud.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to commend the University of Florida's 2008 football team for winning the 2008 NCAA National Championship on January 8, 2009, over the Oklahoma Sooners.

The 2008 Florida Gators football team represented the University of Florida exceptionally well in the 2008 college football season. The team was coached by Urban Meyer and finished the season ranked as the number one team in the Associated Press poll and USA

Today Coaches poll. After clinching the Southeastern Conference Eastern Division, the team defeated the then number one-ranked Alabama Crimson Tide 31–20 in the 2008 SEC Championship Game to win the EC title. The Gators closed their season after the 2009 BCS National Championship Game, where they defeated the Oklahoma Sooners for the BCS National Championship with a score of 24–14.

In over 100 years of play, Florida has been recognized as SEC champions eight times—finishing first in the conference an additional three times—and were national champions of the 1996, 2006, and 2008 college football seasons. The University of Florida is the winningest college football team in the Nation since 1990.

Understandably so, I know that Congressman STEARNS and the other Representatives from the State of Florida are quite proud of this amazing feat, just as I had the opportunity to rejoice when the pride of Texas, our University of Texas Longhorns, celebrated their national championship victory at the Rose Bowl in 2006.

Madam Speaker, this commendation today recognizes this exceptional team and the University of Florida's athletic program's rich winning tradition. This resolution also notes the extraordinary commitment and daily sacrifices made by these outstanding young men. I would also like to commend the "Pride of the Sunshine" Fightin' Gator Marching Band who performed magnificently and one of their alumna and an important member of my staff, Erin Dominguez.

Mr. STEARNS. Madam Speaker, I yield back the balance of my time.

Mr. LOEBSACK. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 58.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LOEBSACK. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 62 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 384.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, with Mr. HOLDEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Thursday, January 15, 2009, amendment No. 7 printed in House Report 111–3 offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) had been disposed of.

AMENDMENT NO. 8 OFFERED BY MRS. MYRICK

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–3.

Mrs. MYRICK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. MYRICK: Page 7, after line 11, insert the following:

“(4) PROHIBITION ON USE OF TARP FUNDS FOR FOREIGN CUSTOMER SERVICE POSITIONS.—Effective as of the date of the enactment of the TARP Reform and Accountability Act of 2009, no assisted institution that became an assisted institution on or after October 3, 2008, may enter into a new agreement, or expand a current agreement, with any foreign company for provision of customer service functions, including call-center services, while any of such assistance is outstanding.”.

The Acting CHAIR. Pursuant to House Resolution 62, the gentlewoman from North Carolina (Mrs. MYRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Mrs. MYRICK. Mr. Chairman, my amendment is very simple. Any company that accepts or has accepted TARP funds would be prevented from outsourcing any new customer service or call center jobs to a foreign company.

I'm not aware of any companies that have participated in the TARP that have entered into any new contracts with foreign-based customer service centers, but I do know that our constituents have a great deal of skepticism about the TARP program and how their money is being spent. And if a company that has been propped up with taxpayer dollars were to outsource these types of jobs, it would create further cynicism.

I understand this is a global interconnected economy. However, given the amount of Federal dollars pouring into U.S. companies from TARP and given the fact that the U.S. unemployment is now above 7 percent, I don't think it's unreasonable to demand that American workers are used to fill any new customer service jobs for the companies who are assisted with American taxpayer dollars.

I urge support of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to meet the formal requirement that someone rise who is in opposition, although that is not, as you know, highly enforceable.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I think the amendment is a good one. Any doubts I had were assuaged since I listened to the gentlewoman.

But I do want to point out a difficulty that Members of this House should contemplate. We run the risk here that this may violate our obligations under the World Trade Organization. As someone who voted against joining, and I say that without any embarrassment, I would say to Members who will be joining, I believe, virtually every Member of this House in supporting the gentlewoman's amendment that perhaps it should lead them to rethink to having so enthusiastically subscribed to the WTO agreement without some changes. It certainly seems to us that while we do know the government is directly involved, spending its own money, you can have a requirement for domesticity. It is unclear what the interpretation will be here. The interpretation be not be purely an American one. It will be in the dispute resolution procedures of the WTO.

So as we go forward in this Congress and we are told about the advantages of a multilateral approach to trade, and I agree that, properly done, that is very advantageous, I hope Members who more enthusiastically than I embraced this principle will stop to think about it.

Some of us who were worried about the job impact of international economic relations have been derided as the reincarnation of Smoot and Hawley. Well, I guess Smoot and Hawley would have been with us on this one because it says companies who do business in America cannot go overseas for hiring. That's not trade in the old way because they didn't have the option of doing this in the old way with technology. But it is a restraint on international economic activity. It is the government's saying to the market you may not do this because it will have a negative impact on our employment.

□ 1400

Now, I think that's legitimate, especially here, since it will only apply to companies that are receiving this assistance. But understand the principle. Those who say it's always a good thing to allow the market to totally run because it will enhance capacity are agreeing that in this case, because we have the hook on which to hang it, we can undercut that.

But the fact that we have the hook in the TARP doesn't change what the economics would be. So I welcome what I think is a renewed recognition for some and a belated recognition for oth-

ers that a regime in which none of these considerations of local employment can be considered is not necessarily in our best interest.

I yield back the balance of my time.

Mrs. MYRICK. I understand the gentleman's concerns regarding the WTO, and I know there are concerns there with what's been done with the automakers, too, so this isn't the only one.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. MYRICK).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-3.

Mr. FRANK of Massachusetts. Mr. Chairman, I note that the author of this amendment is not now on the floor. Could we get unanimous consent to pass over without his forfeiting his chance so he could do it when he comes?

The Acting CHAIR. That request would have to be made in the full House.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Is there any way under the rules to preserve the right of the gentleman from Minnesota who offered this?

The Acting CHAIR. A designee could offer it at this time.

Mr. FRANK of Massachusetts. Well, then I offer it as his designee.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FRANK of Massachusetts:

In subsection (e) of section 113 of the Emergency Economic Stabilization Act of 2008, as proposed to be added by section 101(a) of the bill, add at the end the following new paragraph:

“(4) ONLINE PUBLICATION OF PERIODIC REPORTS.—The Secretary shall make publicly available on the Internet each report made in accordance with paragraph (1).”

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer this amendment on behalf of our colleague from Minnesota (Mr. WALZ) who has been diligent in trying to see that money allocated under the TARP Program is fully accounted for, and, obviously, many of us feel that has not happened with the first half of the money.

Let me make a point that may have escaped some Members. We are not used to this, and so it may be hard for

Members to assimilate, but last week the Senate acted decisively. The Senate voted under the bill that we passed last fall and defeated the resolution of disapproval.

The procedures adopted that called for the resolution of disapproval to assure Members that there would be no tricks in both Houses ruled out any motion to reconsider. So the Senate defeat of the resolution of disapproval last week is final and it is dispositive.

We, under a statute that could have been drafted better, will still vote on that resolution, but the outcome of the vote in the House is irrelevant, because the Senate has legally acted to trigger the second \$350 billion.

So it's a fact that the \$350 billion, the second \$350 billion, will be at the disposal of the Obama administration. It isn't even yet there because the Bush administration, at the request of the Obama administration, requested the funds last Monday. I believe they probably won't ripen until a week from yesterday. It's a 15-day period. But as of next week sometime, the Obama administration now has the legal right to deploy the \$350 billion.

What our colleague from Minnesota (Mr. WALZ) has thoughtfully put forward as an amendment will require the Treasury to make available on the Internet all of the reports that are required under the bill. The bill requires reports, but they will now be made immediately available on the Internet.

There is a great deal of understandable public dissatisfaction at the failure of this information to be made available. And the gentleman from Minnesota, by insisting that we use the most appropriate contemporary technology, has helped with that problem.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, as I look at this amendment, I think the amendment is probably a good one, adding to the transparency and accountability, to the underlying legislation, but I still believe that I have a number of concerns.

And to the extent that this facilitates passage of the underlying bill, again, what I perceive that we have here is buyers' remorse for many with respect to the underlying TARP Program. And what many Members, I believe, saw was, either, one, they didn't see a plan, or, number 2, the plan they thought they saw was not the plan that they saw implemented, and whatever they saw implemented they didn't see too clearly because of the transparency and accountability that most Members would want was not present. I feel that because of the exigent circumstances the legislation was, perhaps, drafted in haste.

Now, the underlying legislation to which the gentleman's amendment would apply continues to have a number of underlying problems. Now, I do

want to compliment the Chairman of the Financial Services Committee, who I think has added some very important accountability and transparency provisions to the underlying legislation.

I think almost all Members agree that it's absolutely insane to be investing taxpayer money in these companies with no reporting requirement whatsoever, and I compliment the chairman for including that in the underlying legislation. The reporting requirement on new lending attributable to TARP is another good provision.

But, Mr. Chairman, I have three major concerns dealing with the underlying legislation.

Number one, if legislation still puts us on the road to picking winners and losers in our economy, express language dealing with the auto bailout, it doesn't do anything for the arts and crafts supplier in Athens, Texas, that I represent. I don't see language in the bill that's going to help them.

It doesn't do anything for the aluminum and zinc die caster in Jacksonville, Texas, in my district. I don't see any express language in the legislation that helps them.

On this side of the aisle, Mr. Chairman, we want to help everybody in the economy. Again, name me three industries that aren't hurting in this economy.

Why, again, Mr. Chairman, does the bill pick winners and losers?

Second of all, Mr. Chairman, it specifies a rather questionable foreclosure mitigation plan, one that apparently will take at least \$40 billion of taxpayer funds, roughly patterned after the FDIC plan, if you read the language, one that even the FDIC admits may cost \$25 billion.

Mr. Chairman, people on this side of the aisle support foreclosure mitigation, too. It's called preservation of your job, expand your job opportunities, and expand your paycheck through middle-income tax relief. That's the foreclosure mitigation plan that we need to see.

Then finally, Mr. Chairman, I am concerned about a provision that would permit the Secretary of the Treasury to put, quote-unquote, observers into assisted institutions.

Again, I think this may speak to the haste in which the underlying legislation has been drafted. It didn't go through any markup. We didn't have any formal hearing on it, but on page 11 of the base bill, it states that the Secretary may require the attendance of an observer at, quote-unquote, any assisted institution.

Well, on page 8 of the bill it defines an assisted institution as any such institution that receives directly or indirectly assistance or benefit that derives from the funds that are available.

My concern, Mr. Chairman—and I don't believe it was the intent of the author of the legislation—but seemingly you could be giving the Secretary of the Treasury power to put an observer in any small business that does

business with a community bank and gets a loan.

We may be on the precipice of having a Secretary of Treasury, who admittedly doesn't pay his own taxes, and yet he will have the right to put an observer into small businesses to make sure they pay theirs.

Again, I doubt it was the intent of the drafter of the underlying bill for that to happen, but it concerns me, Mr. Chairman, that we would have that in the base bill. And I hope Members would clearly take a look at that before approving the underlying legislation.

With that, Mr. Chairman, I would like to reserve the balance of my time.

The Acting CHAIR. The time of the gentleman from Texas has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, as the designee, I now yield the remaining 2½ minutes to my designator, the author of the amendment, the gentleman from Minnesota.

Mr. WALZ. Mr. Chairman, I rise today to offer this amendment and, interesting, listening to my colleague on the other side of the aisle, while I did not support the underlying bill in the first place, I think we may part company at that point, because I want to thank the chairman for the work that he has done.

Because the one thing I hear is, and I heard it yesterday as we watched our new President be sworn in, now is the time to put the childish political bickering aside. Offer us something that works.

If you don't want someone in the boardroom, don't take the money. But the American public is asking us and the economists are asking us what needs to be done to move this economy.

I do not support the money going. I do not believe that the American public was served well in it. It does not mean that I am not willing to offer changes to improve it overall.

So my amendment, and what I ask the chairman to accept in this amendment, is to ask for the oversight that needs to be there. Not for the Members of this body and not for the accountants, but for the American public.

If an institution is going to take this money, then have the courage to publish it online so every person in every library and every home can go and see where their taxpayer dollars are being spent. And if that is simply an intrusion into the private sector, simply don't accept the money.

But I see them beating down the doors of this Congress and beating down the doors to try and get them. So my goal, and I believe the chairman's goal all along has been, it was working with the previous administration who put these proposals forward. The chairman did the time-honored practice of this body of reaching compromise for the good of the American public.

So what I ask, Mr. Chairman, is looking retrospectively into the \$350 billion that was spent and then forward, that these institutions be required, through

the Secretary of the Treasury, to put and post online how each and every dollar of this money is being spent.

And what I believe is you will get transparency, you will get the accountability, and I think in the spirit of what my colleague is saying, you will have a great incentive for the market then to work fairly on an even playing field, making sure that we, once again, put those things in place that actually make our financial system work, actually free up credit and get our economic system moving.

So we are here to work on those problems that most affect average Americans. We may disagree on how to get there, but there is no denying we are at a point in our Nation's history where political bickering won't get us there, where nontransparency to the public is the wrong way to go.

Mr. Chairman, I thank you for having this opportunity to put forward this amendment. The amendment is very simple, and it simply states online publication of periodic reports. The Secretary shall make publicly available on the Internet each report made in accordance with paragraph one. That simply says, at least quarterly, they will put out how they are spending our money.

I want to thank the chairman for giving me this opportunity. I want to thank the ranking member for coming today and debating this issue. We owe it to our constituents to solve this.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-3.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FLAKE:

At the end of title I, insert the following:  
**SEC. 108. Broadened Inspector General Authority.**

Section 121(c) of the Emergency Economic Stabilization Act (12 U.S.C. 5231(c)) is amended by striking "the purchase, management, and sale of assets" and all that follows through "under section 102" and inserting "any action taken by the Secretary of the Treasury under this title (except sections 115, 116, 117, and 125), as the Special Inspector General determines appropriate".

In the table of contents in section 1(b), insert after the item relating to section 107 the following new item:

Sec. 108. Broadened Inspector General Authority.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment is pretty straightforward. It simply allows

the special inspector general for TARP to review any action tied to the distribution of TARP funds. The position of the special inspector general for the TARP Programs was created by section 121 of the Emergency Economic Stabilization Act, which was signed into law in October.

This legislation initially provided enough authority for the special inspector general, but because the purview for TARP, the scope expanded so significantly, this special Inspector General really didn't have the authority to look at these other items as well. It now includes, for example, TARP. The scope of TARP includes propping up a number of banks, bailing out AIG and Citicorp and providing assistance to U.S. automakers.

Under the initial act, it wasn't clear that the special inspector general had the authority to look over these issues as well. This amendment will ensure that it does.

In a November article in the Washington Post, the Treasury's Inspector General described the oversight of the current situation of TARP "a mess." We need to make sure that the inspector general has sufficient authority to look over these other areas where TARP has gone.

With that, I will reserve the balance of my time.

□ 1415

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the 5 minutes that goes to someone in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I thank the gentleman from Arizona for his careful legislating. He is a careful legislator. He is exactly right. This amendment does make sure that the inspection IG's oversight purview is equivalent to that of the TARP.

There have been concerns about the oversight, which we understand. I wanted to divide this in two as we talk about the oversight. The problem has been that they have not required enough of the—the Treasury hasn't required enough. The oversight mechanisms we put in there haven't seem, to me, to have done some good. The special IG was created. He was held up until the Senate acted. He recently issued an example of his plan to go forward.

We have also had very good oversight by the Government Accountability Office. When Members read about the failure of Treasury to require the recipients of the capital infusions to do any re-lending, or at least to tell they were going to do it, that was documented by the Government Accountability Office in a very effective report, which we had a hearing on. And then the panel of appointees by the congressional leadership, which includes the gentleman from Texas, the former Senator from New Hampshire, and three other very energetic citizens, they have also put out good reports.

So we have gotten some good oversight that tells us what they did wrong. But oversight, of course, only highlights that. It doesn't correct it. This legislation is in fact informed to some extent by that oversight, and hopes to build on it. The gentleman from Arizona's amendment will make sure that the oversight continues to be equal to the test.

I reserve the balance of my time.

Mr. FLAKE. I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. I thank the gentleman. Hearing what I have just heard, I would like to thank the chairman of the full committee. It is clear that we will for months, years to come, be looking at the failures of TARP; the failures to properly consider the allocation of these funds before they were delivered and to lock down appropriately the ways in which it could be spent. Notwithstanding failures in our hurried legislation, it is also very clear that the effectiveness, or lack thereof; the honesty, or lack thereof, of the expenditure of these funds, is critical if we are going to regain confidence by the American people that in a future emergency situation we will be able to quickly allocate resources to a problem and then have those resources used properly.

So I thank the gentleman for offering this amendment. I thank the chairman for his willingness to accept this amendment that will allow the IG to report to the committees of jurisdiction so that we can in fact look for the waste, fraud, and abuse in this legislation and its carrying out. Thank you.

Mr. FLAKE. I reserve the balance of my time.

Mr. FRANK of Massachusetts. How much time do I have remaining?

The Acting CHAIR. The gentleman from Massachusetts has 3½ minutes remaining and the gentleman from Arizona has 2½ remaining.

Mr. FRANK of Massachusetts. I yield myself 2½ minutes.

Let me inquire of the gentleman from Arizona, is he his remaining speaker?

Mr. FLAKE. I just plan to close.

Mr. FRANK of Massachusetts. Do I have the right to close as a member of the committee?

The Acting CHAIR. The gentleman does.

Mr. FRANK of Massachusetts. I yield myself 2 minutes just to say, as has been pointed out, we have been given indications that the Senate does not plan to act on this. Of course, I can recall a number of times when people on both sides have said we are going to go ahead whether they do or don't.

I will say this. Much of what we put in this bill can be done even if it doesn't pass. And I regard this as a very important vote that we will have later to strengthen our hand in making sure that Treasury does what we think is necessary, even if it doesn't become law. Almost everything in the bill could be done even without statutory

change. This may be one of the few things that requires statutory change.

So I would say this to the gentleman from Arizona. If I am correct and this is one of the few pieces that would require statutory change to expand the special IG's authority, we will work together to get a suspension bill through that will do that, that is abstracting from some of the rest of it. Because, again, it's now a given that the second \$350 billion will be spent. So I just wanted to give the gentleman that assurance, that while almost everything else in this bill can be done, and we are really insisting they should use authority that they have, to the extent this requires statutory change, I believe we can do a very quick, noncontroversial suspension.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman. My understanding is the Senate has already acted on language identical to this in a free-standing piece of legislation. This, I think, is certainly a priority of theirs as well, to make sure that the special IG has the authority to look over all disbursements of the TARP funds.

I think it's incumbent on us in Congress to take better care here. I have been simply amazed at how jealous we guard our spending prerogatives here in the House, rightly so, but then when it came to TARP, we simply let them run with whatever they wanted to spend it on. We clearly did not contemplate here, those of us who are considering this in the House, that this money would be used for a bailout of the auto industry, for example.

So I just want to make sure that the tools are there to make sure that proper accounting is done and proper review is made of the expenditure of funds. I am grateful the chairman has agreed to support the amendment.

With that, I yield back the balance of my time.

Mr. FRANK of Massachusetts. How much time do I have remaining?

The Acting CHAIR. The gentleman has 2½ minutes.

Mr. FRANK of Massachusetts. First, on the auto issue, let me say I agree that it would have been a mistake to have taken the original TARP vote and then said, Okay, use that to go to the aid of the three American automobile manufacturers. And this is why Speaker PELOSI correctly insisted that we vote on it. Now it turned out because the Senate didn't act, that it didn't become law. But what this House voted on had a major influence on what the Bush administration did.

I was not prepared to support the use of TARP funds if it did not receive the vote of this House for the autos. So with regard to autos, the House has already, by a fairly large vote, decided to do that. That is the model I have in mind for this bill. There's probably some ambiguity as to whether or not the gentleman's amendment would require statutory change. I am in favor of resolving the ambiguity. I'd rather

be redundant than ambiguous, as people might know from listening to my speeches.

So I will work with him to get that bill passed. But on the basic point, here we are. It is true the Senate at this point says they are not going to pass it. It is true we are doing things here that we wish the Bush administration had done, but didn't do them. I believe that the Bush administration and the Obama administration are correct that it's in the interest of the economy for the second \$350 billion, and they are very strongly agreed on that, both administrations, if it can be done well, it would be to the advantage of the economy in helping with the economic problems. But we are insisting that they do some things they didn't do at first.

Even if it does not become law, as Members know, I will be talking with the Secretary of the Treasury, I will be talking, as will other Members, with the administration. When we tell them to do something about foreclosures, when we say to look at the problems of municipalities, if we have the force of a large majority of the House of Representatives behind us, it will make us even more persuasive.

None of us, I think, have enough confidence in our mellifluous tones to think that on our own we can do things that we couldn't do when we are speaking for a majority of the House of Representatives.

So passing this bill with these specifics will be adding greatly to our ability to get the administration to do these things. I should say it's already clear that under the Obama administration, unlike the Bush administration, there will be significant funds for foreclosure relief.

I understand the dilemma some of my conservative friends have, because two leading journals of conservative opinion, the Wall Street Journal and the Heritage Foundation, have said, Don't do anything about foreclosures. Well, this bill will ensure that they do, to their disappointment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. HINCHEY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-3.

Mr. HINCHEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HINCHEY: Page 4, after line 9, insert the following new paragraph:

“(4) USE OF 2008 ASSISTANCE.—

“(A) COLLECTION OF INFORMATION.—Effective upon enactment of this paragraph, The Secretary shall require any assisted institution which received assistance under this title before January 1, 2009, to provide sufficient information with regard to such assist-

ance as to inform the Secretary of the precise use of such assistance by the institution and the purpose for the use.

“(B) ANALYSIS.—The Secretary shall conduct an analysis of the use of the assistance for which information was received under subparagraph (A).

“(C) REPORT TO THE CONGRESS.—Within 30 days after the enactment of this paragraph, the Secretary shall promptly submit a report containing the findings and conclusion of the Secretary on the use of the assistance referred to in subparagraph (A), together with such recommendations for legislative or administrative action as the Secretary may determine to be appropriate, to the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.”

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, since the bailout bill was passed last year, about \$350 billion of the \$700 billion that was allocated in that legislation has been authorized and effectively spent through the Treasury Department. However, there's very little information with regard to who are the recipients of that \$350 billion and for what purpose they receive that money and how they spend it.

So this amendment just asks and makes it clear that upon the passage of this legislation, that the Secretary must provide information with regard to where that money has gone and how that funding was spent. And then, 30 days later, within 30 days after the enactment of this paragraph, the Secretary shall promptly submit to the appropriate committees here in the Congress that information: Where the money was allocated and for what purposes it was spent.

I think this is a very essentially important piece of information. I expect that it will be passed by the House.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Thank you, Mr. Chairman. Again, I have similar concerns I had with one of the earlier amendments. I think, frankly, the gentleman from New York has a very good amendment. I will support it. I do, again, believe that there needs to be increased transparency and accountability for how these funds are used.

But, again, Mr. Chairman, I have concerns, and I agree with our distinguished chairman of the Financial Services Committee that this is an important vote that we will take on the underlying legislation. But I continue to have concerns that I feel have not been addressed.

Number one, although the underlying legislation—and the gentleman from New York is certainly adding more ac-

countability and transparency to the process—although my friends on that side of the aisle take a few steps forward, they unfortunately take a number of steps backwards as well. As I look at the underlying legislation, particularly with respect to the HOPE for Homeowners program which, by the way, the Congressional Budget Office estimates is a 15 percent subsidy cost, and that could cost \$675 million over 10 years, that the legislation, the underlying legislation actually eliminates borrower certifications. That a borrower has not intentionally defaulted on the mortgage or any other debt, has not knowingly or willfully and with actual knowledge furnished material information known to be false for the purpose of attaining an eligible mortgage. I mean, Mr. Chairman, that is clearly a step backwards when it comes to adding accountability and transparency to the process.

In addition, the underlying legislation eliminates the requirement that an individual receiving assistance under that program verify their income by providing tax return information.

So I have heard all of the wonderful words about our accountability and transparency increases within the legislation, but I haven't heard a whole lot though about the steps the underlying legislation has taken in the wrong direction.

In addition, Mr. Chairman, I still am concerned about this provision that I hope that perhaps the distinguished chairman will address, the provision in the underlying bill allowing the Secretary to place board observers into “assisted institutions.” I mean assisted institution is defined on page eight of the base bill and it includes any institution that receives directly or indirectly, or indirectly, any assistance or benefit.

I still question, again, whether or not a small business in a rural community who does business with a small community bank receiving TARP funds, all of a sudden are they going to end up having a Federal observer in their small business? Now maybe some Members would like to go down that road. Maybe they think that is a good thing. I, for one, do not. I don't believe that was probably the intention of the author of the bill. But, again, I am reading the definition in the legislation.

I think it's a great concern, and Members need to pay very careful attention before they vote on the underlying legislation.

With that, Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. HINCHEY. Mr. Chairman, I think the amendment that we have here is very clear and puts forward some necessary information which must be received by the Congress, especially prior to the enactment of the remaining \$350 billion, just making it clear that we need to know how much money has been spent and where it has been spent

and for what purpose, and it stipulates that the Secretary of the Treasury must submit that information within 30 days after the enactment of this legislation.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, might I inquire how much time I have remaining.

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining, and the gentleman from New York has 3 minutes remaining.

Mr. HENSARLING. I yield myself the balance of my time.

Mr. Chairman, again, I want to compliment the gentleman from New York for his amendment. I think it certainly improves the underlying bill. My main concerns remain with the underlying bill; and I am still fearful that this institution is about to, essentially, commit the same error that many feel was committed a few months ago.

I myself did not vote for the underlying TARP legislation; I voted against it twice. I supported an alternative plan. Now, these continue to be very serious challenging, serious economic times that need thoughtful plans. But we are essentially saying to the incoming administration: Here is a \$350 billion bank account. Well, I say, where is the plan? And Congress isn't going away. Congress can come, and when the need is presented and the plan is presented, can vote for this money.

There is the Federal Reserve. We are already up to \$7 trillion to \$8 trillion of taxpayer liability exposure that includes their various lending facilities. It is not like, if Congress goes to bed at night, that no one is there to aid in an emergency situation.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HENSARLING. I would be happy to yield to the chairman.

Mr. FRANK of Massachusetts. I appreciate what the gentleman is saying. He knows we are going to have a hearing in our committee on the Federal Reserve; but because of what the Senate did, whether or not they spend the \$350 billion is no longer an open question. They are going to spend it. The Senate guaranteed that.

Mr. HENSARLING. Reclaiming my time, I understand that, to the distinguished chairman; but I also understand, as I believe you said, to paraphrase, this sends an important signal. I don't want to send the signal that the vote on the underlying legislation would provide that, here is \$350 billion, without a plan.

With that, I yield back the balance of my time.

Mr. HINCHEY. I yield to the chairman.

Mr. FRANK of Massachusetts. I have to differ with my friend from Texas when he says it sends a signal that they shouldn't have \$350 billion without a plan. They know they have the \$350 billion. This is an effort to strengthen our hand when we impose some constraints on them.

But the signal it sends is we care about these substantive issues: Foreclosure, requiring a disclosure, et cetera. It does not send a signal that they have \$350 billion, because they have it. They don't need a signal. \$350 billion is better than a signal; it is now legally theirs to spend without any constraint, except what we are able to impose on them through our efforts. I understand the gentleman disagrees with some of the specifics. Those were entirely reasonable points to make. But the notion that we shouldn't send them a signal to spend the money misses the point that they are about to spend the money next week whatever we do, and all we can do at this point, given what the Senate has done, is to try to impose some of the concerns we have on them.

Mr. HINCHEY. And it is unclear to me whether the gentleman is opposed to putting this information forward or not. I think that everybody here should be in favor of addressing this issue in a responsible way, saying we need to know where the money has been spent, who it has been allocated to, and what has been the result of the expenditure. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HINCHEY) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, had come to no resolution thereon.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1505

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Florida) at 3 o'clock and 5 minutes p.m.

#### TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 62 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 384.

□ 1506

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, with Mr. HOLDEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 11 printed in House Report 111-3 offered by the gentleman from New York (Mr. HINCHEY) had been postponed.

AMENDMENT NO. 11 OFFERED BY MR. HINCHEY

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 427, noes 1, not voting 11, as follows:

[Roll No. 23]

AYES—427

|              |                |               |
|--------------|----------------|---------------|
| Abercrombie  | Boccheri       | Carney        |
| Ackerman     | Boehner        | Carson (IN)   |
| Aderholt     | Bonner         | Carter        |
| Adler (NJ)   | Bono Mack      | Cassidy       |
| Akin         | Boozman        | Castle        |
| Alexander    | Boren          | Castor (FL)   |
| Altire       | Boswell        | Chaffetz      |
| Andrews      | Boustany       | Chandler      |
| Arcuri       | Boyd           | Childers      |
| Austria      | Brady (PA)     | Christensen   |
| Baca         | Brady (TX)     | Clarke        |
| Bachmann     | Braley (IA)    | Clay          |
| Bachus       | Bright         | Cleaver       |
| Baird        | Broun (GA)     | Clyburn       |
| Baldwin      | Brown (SC)     | Coble         |
| Barrett (SC) | Brown, Corrine | Coffman (CO)  |
| Barrow       | Brown-Waite,   | Cohen         |
| Bartlett     | Ginny          | Cole          |
| Barton (TX)  | Buchanan       | Conaway       |
| Bean         | Burgess        | Connolly (VA) |
| Becerra      | Burton (IN)    | Conyers       |
| Berkley      | Butterfield    | Cooper        |
| Berman       | Buyer          | Costa         |
| Berry        | Calvert        | Costello      |
| Biggert      | Camp           | Courtney      |
| Bilbray      | Campbell       | Crenshaw      |
| Bilirakis    | Cantor         | Cuellar       |
| Bishop (GA)  | Cao            | Culberson     |
| Bishop (NY)  | Capito         | Cummings      |
| Bishop (UT)  | Capps          | Dahlkemper    |
| Blackburn    | Capuano        | Davis (AL)    |
| Blumenauer   | Cardoza        | Davis (CA)    |
| Blunt        | Carnahan       | Davis (IL)    |